



PATENT
ATTORNEY DOCKET NO. 50195/008003

Certificate of Mailing: Date of Deposit: November 1, 2005

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Colleen Coyne
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Colleen Coyne
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James M. Robl et al. Art Unit: 1632
Serial No.: 09/988,115 Examiner: D. Crouch
Filed: November 16, 2001 Customer No.: 21559
Title: TRANSGENIC BOVINE COMPRISING HUMAN
IMMUNOGLOBULIN LOCI AND PRODUCING HUMAN
IMMUNOGLOBULIN

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

In response to the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) set forth on the Issue Notification mailed on October 21, 2005 in connection with the above-captioned patent application, Applicants hereby request reconsideration of the patent term adjustment. Applicants submit that the current patent term adjustment should be 59 days (i.e., a 260 day period of Patent Office delay reduced by a 201 day period of Applicant delay as detailed below).

In support of this application, Applicants first summarize crucial dates and actions

that resulted in patent term adjustment. The present application was filed on November 16, 2001 and the first action under 35 U.S.C. § 132, a Restriction Requirement, was not mailed until September 11, 2003. The mailing of the restriction requirement was 238 days later than fourteen months from the filing date of the application, resulting in 238 days of patent term adjustment. 37 CFR 1.703(a)(1). A second Restriction Requirement was then mailed March 9, 2004, 22 days later than the four month period allowed for a subsequent PTO Action. 37 CFR 1.703(a)(2). The total Office delay was therefore 260 days, as correctly indicated by PAIR (copy enclosed).

Applicant delay occurred in connection with three submissions. A Reply to a non-final Office Action of July 29, 2004 was submitted on January 31, 2005, a delay of 94 days. A Reply to a final Office Action of April 20, 2005 was submitted on August 5, 2005, a delay of 16 days. And a Reply to Notice of Missing Parts of December 4, 2001 was submitted on June 3, 2002, a delay of 91 days, resulting in a total Applicant delay of 201 days.

It is the calculation of Applicant delay by the PTO with which Applicants disagree. As indicated on the accompanying PAIR summary, the Office has assessed a delay of 155 days for Applicants' Reply to the Notice of Missing Parts mailed December 4, 2001. This calculation is in error. The Notice of Missing Parts mailed December 4, 2001 required the submission of a sequence listing, executed inventor declarations, and substitute drawings. The executed declarations and substitute drawings were submitted

on June 3, 2002 and account for a 91 day Applicant delay. The remaining submission, the sequence listing, was mailed by Applicants on February 7, 2002 and date-stamped as received by the PTO on March 11, 2002. A copy of the date-stamped postcard is enclosed; PAIR does not indicate receipt of this submission. On June 24, 2002, the Office mailed a further Notice to Comply with Sequence Listing Requirements, indicating that Applicants' sequence diskette was "Damaged." Given the timing of this submission, this damage likely resulted from security procedures at the PTO and was not the result of Applicant error or delay. Also, the indication in PAIR that this mailing was due to "SEQUENCE ERRORS" is incorrect, as the Office required a new submission solely due to the damaged diskette. As Applicants provided a new diskette on August 6, 2002, no Applicant delay should be assessed in connection with any of the sequence listing submissions. The PAIR indication of 155 days of Applicant delay in connection with the Reply to Notice to File Missing Parts is in error and should instead be 91 days.

In addition, the Office has assessed a 58 day period of Applicant delay in connection with the filing of an Information Disclosure Statement on June 9, 2004. This assessment of Applicant delay is also in error, as this IDS was timely filed and was not submitted either less than one month before the mailing of an Office Action (which occurred on July 29, 2004), after the filing of a substantive reply (which occurred on January 31, 2005), after a decision by the Board of Appeals, or after a notice of allowance (which occurred on October 21, 2005). 37 CFR 1.704(d). It appears that the Office may

have inadvertently confused Applicants' Reply to the second Restriction Requirement with a Reply to a first substantive Office Action. This assessment of 58 days of Applicant delay should be withdrawn.

In addition, Applicants note that the present patent is not subject to a Terminal Disclaimer.

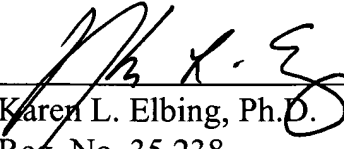
CONCLUSION

Applicants submit that the current patent term adjustment should be 59 days and request reconsideration of the patent term adjustment.

Enclosed is a check in the amount of \$200.00 for the fee set forth in 37 C.F.R. § 1.18(e). If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 01 November 2005

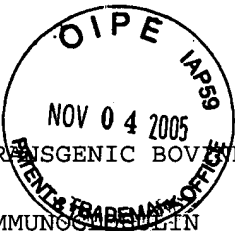


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Printer Friendly

09/988,115



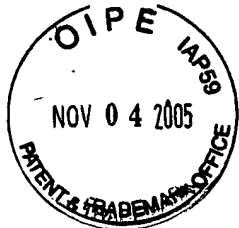
TRANSGENIC BOVINE COMPRISING HUMAN IMMUNOGLOBULIN LOCI AND PRODUCING HUMAN

Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/988,115			
			Days
Filing or 371(c) Date:	11-16-2001	USPTO Delay (PTO):	260
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	323
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
10-21-2005	Mail Notice of Allowance		
10-21-2005	Mail Examiner's Amendment		
10-04-2005	Issue Revision Completed		
10-04-2005	Examiner's Amendment Communication		
10-04-2005	Notice of Allowance Data Verification Completed		
09-23-2005	Miscellaneous Incoming Letter		
08-15-2005	Date Forwarded to Examiner		
08-15-2005	Date Forwarded to Examiner		
08-15-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
08-05-2005	Information Disclosure Statement considered		
08-05-2005	Request for Continued Examination (RCE)	↑	16
08-05-2005	Request for Extension of Time - Granted	↑	↑
08-05-2005	Reference capture on IDS	↑	↑
08-05-2005	Information Disclosure Statement (IDS) Filed	↑	↑
08-05-2005	Workflow - Request for RCE - Begin	↑	↑
04-20-2005	Mail Final Rejection (PTOL - 326)	↑	↑
04-18-2005	Final Rejection	↑	
02-11-2005	Date Forwarded to Examiner	↑	
01-31-2005	Information Disclosure Statement (IDS) Filed	↑	
01-31-2005	Response after Non-Final Action	↑	94
01-31-2005	Request for Extension of Time - Granted	↑	↑
01-31-2005	Workflow incoming amendment IFW	↑	↑
07-29-2004	Mail Non-Final Rejection	↑	↑
07-26-2004	Non-Final Rejection	↑	
06-09-2004	Information Disclosure Statement (IDS) Filed	↑	58
05-18-2004	Date Forwarded to Examiner	↑	↑
04-12-2004	Response to Election / Restriction Filed	↑	↑
04-12-2004	Workflow incoming amendment IFW	↑	
		↑	↑

04-05-2004	Preliminary Amendment		
04-05-2004	Workflow incoming amendment IFW	↑	
03-09-2004	Mail Restriction Requirement	22	
03-06-2004	Requirement for Restriction / Election	↑	
01-20-2004	Date Forwarded to Examiner	↑	
12-17-2003	Correspondence Address Change	↑	
10-16-2003	Response to Election / Restriction Filed	↑	
09-11-2003	Mail Restriction Requirement	238	
09-11-2003	Requirement for Restriction / Election	↑	
10-16-2002	Case Docketed to Examiner in GAU	↑	
09-03-2002	Application Dispatched from OIPE	↑	
08-26-2002	Application Is Now Complete	↑	
08-21-2002	CRF Is Good Technically / Entered into Database	↑	
08-06-2002	Additional Application Filing Fees	↑	155
08-06-2002	CRF Disk Has Been Received by Preexam / Group / PCT	↑	↑
07-18-2002	Request for Refund	↑	
06-24-2002	SEQUENCE ERRORS	↑	↑
06-03-2002	CRF Disk Has Been Received by Preexam / Group / PCT	↑	↑
06-03-2002	Additional Application Filing Fees	↑	↑
06-03-2002	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	↑	↑
06-03-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	↑
06-03-2002	Applicant has submitted new drawings to correct Corrected Papers problems	↑	↑
03-28-2002	CRF Does Not Match Application Specification -- Applicant Must Correct	↑	↑
12-05-2001	IFW Scan & PACR Auto Security Review	↑	↑
12-04-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
11-29-2001	Correspondence Address Change	↑	
11-20-2001	IFW Scan & PACR Auto Security Review	↑	
11-16-2001	Initial Exam Team nn	↑	

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****PROSECUTION****

PATENT

ATTORNEY DOCKET NUMBER: 50195-008003

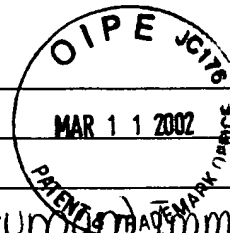
The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: James M. Robl et al.

Serial/Patent Number: 09/988,115

Filed/Issued: November 16, 2001

Title: Expression Of Xenogenous (Human) Immunoglobulin:



<input type="checkbox"/> Transmittal Letter	Pages: _____	<input type="checkbox"/> Declaration & POA	Pages: _____
<input type="checkbox"/> Notice of Missing Parts	Pages: _____	<input type="checkbox"/> Assignment & Cover Sheet	Pages: _____
<input type="checkbox"/> Reply to Missing Parts	Pages: _____	<input type="checkbox"/> Change of Address	Pages: _____
<input type="checkbox"/> Reply to Examiner's Action	Pages: _____	<input type="checkbox"/> Small Entity Statement	Pages: _____
<input type="checkbox"/> Extension of Time	Pages: _____	<input type="checkbox"/> Preliminary Amendment	Pages: _____
<input type="checkbox"/> Notice of Appeal	Pages: _____	<input type="checkbox"/> IDS	Pages: _____
<input type="checkbox"/> Appeal Brief	Pages: _____	<input type="checkbox"/> Cited References	Number: _____
<input type="checkbox"/> Drawings Formal/Informal	Pages: _____	<input checked="" type="checkbox"/> Disk (1)	
<input type="checkbox"/> M-Fee Payment	Pages: _____	<input checked="" type="checkbox"/> Other Preliminary Amendment	Pages: <u>2</u>
<input type="checkbox"/> Issue Fee Payment	Pages: _____	<input checked="" type="checkbox"/> Other Version With Markings...	Pages: <u>1</u>
<input type="checkbox"/> Check	\$: _____		
<input checked="" type="checkbox"/> Sequence Statement	Pages: <u>2</u>		
<input checked="" type="checkbox"/> Other Sequence Listing			Pages: <u>17</u>

Atty/Secy: KLE/mk Client/Matter Name: Aurox...

(VULH)

Date: 2-7-02